

FOR IMMEDIATE RELEASE
FEBRUARY 27, 1970

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UNITED STATES SENATE
COMMITTEE ON FOREIGN RELATIONS

Statement by Senator J. W. Fulbright
Concerning the Arrest of
Tran Ngoc Chau

Yesterday we learned of the latest chapter in the case of the Vietnamese legislator, Tran Ngoc Chau. On Monday Chau was sentenced by a military tribunal to 20 years at hard labor, ostensibly because of contacts with his brother, a North Vietnamese intelligence agent, which he did not report to the South Vietnamese authorities. On Thursday Chau was taken by the police from the National Assembly building in Saigon to jail.

The charges against Chau are regarded by many as a transparent pretext for silencing one of the most outspoken critics of the Thieu regime. The manner in which Chau's immunity was lifted and his trial conducted raises serious questions regarding President Thieu's attitude toward the Vietnamese constitution and the justification for continued American respect or support for the Thieu government.

For the benefit of those who may not have followed the most recent developments in the Chau case may I point out that the petition used to justify the lifting of Chau's parliamentary immunity is apparently of dubious constitutionality. Two appeals on this point are pending before the Vietnamese Supreme Court. These appeals apparently should have entitled Chau to freedom pending decision. Furthermore, the authenticity of some signatures on the petition has been challenged. At least one Vietnamese Deputy is reported to have declared before the trial that his signature had been forged and another has apparently asked that his name be withdrawn from the petition. Even if the constitutionality of the petition procedure is upheld, since the petition requires the signatures of a majority of the members of the Assembly to be effective, the elimination of these two names would mean that the petition would not suffice to lift Chau's immunity. I should add that it has been widely reported that several of the other signatures on the petition were obtained by threats and bribery.

Mr. Chau was apparently tried and sentenced without benefit of counsel. According to a story by Mr. Robert G. Kaiser in Wednesday's Washington Post, the tribunal was unexpectedly convened an hour earlier than its normal starting time with the result that Mr. Chau's attorney had no opportunity to present

his case. Mr. Kaiser reported that the court accepted, without question, the prosecution's suggestions for punishment

As I explained on an earlier occasion, the circumstances of the Chau case seem to show that President Thieu's charges against Chau are politically motivated. Furthermore, it appears that the American Embassy bears a measure of responsibility in this matter. Despite warnings of Chau's intention to disclose his past relationships with Americans, and I know that there have been such relationships, and despite recommendations from some American officials that the Embassy assist Mr. Chau, Mission officers have been ordered to keep "hands off" the Chau case. The apparent reason for this decision is our unwillingness to do anything which might displease President Thieu

The real reasons for President Thieu's campaign against Chau and our "hands off" policy seem to have little to do with Chau's contacts with his brother. Such contacts among members of Vietnamese families, divided by the war, are not at all unusual. Furthermore, Chau's contacts were known to high American authorities in Vietnam at the time they occurred. More recently, some of the best informed and most experienced American officials in Vietnam have said that they know of no grounds for believing that Chau is a communist. It is interesting to note that although Chau's contacts with his brother had been known to the Thieu government at least since April 1969, and that Chau had openly acknowledged them in July, Thieu did not begin to press his charges against Chau until November, 1969.

President Thieu's campaign against Chau must be considered against the background of Chau's open advocacy of a negotiated political settlement to the war. Because of the strength of Vietnamese sentiment for an end to the war Chau's espousal of talks with the NLF apparently made him a potentially dangerous political rival and threatened to undermine Vietnamese support for continuing the war.

As I have stated before, Chau's credentials as a Vietnamese nationalist and opponent of Communism are not questioned by those who are familiar with his record and his views. Given that fact, Chau's belief that peace can come only as the result of direct talks between Saigon, North Vietnam and the NLF takes on added significance. Chau wrote on this point in January, 1969:

"We have the right to call the National Liberation Front by a hundred terms which are bad, vile and most servile, but we must admit that this organization exists in reality, and that there could never be any peace talks

which could bring an end to the war if we did not agree to make some concessions to this organization and thus to satisfy some of its minimum demands.

"We have done this before with regard to some armed opposition groups. Why can't we do it again with regard to the National Liberation Front? Is it because this Front is Communist or dependent on the Communists?

"That is the truth.

"But at present, both we and the U.S. have realized that our army and the army, technical ability and resources of the most advanced modern power in the world can't exterminate them and because of that, we are forced to talk with them at the conference table.

"Whether we like it or not, we are compelled to discuss the methods of ending the war in order to restore peace."

The unwillingness of the United States to intercede on Chau's behalf is perhaps all the more understandable when one notes that Chau blames the United States for the failure of the Paris negotiations. In the same interview quoted above, Chau said:

"... in the past the U.S. has proven its power through the evolution and shifts of power among the patriots and scoundrels among the leadership of the Vietnamese nation, and at present the U.S. is still the most influential power from our local level to the central government and from the companies and battalions to higher echelons.

"If the U.S. had withdrawn some assistance items or some supply items, certainly what happened to President Diem, to the regime prior to 1963, would have happened to President Thieu, to the present regime.

"With its available open and secret power, the U.S. is the main obstacle which blocks Viet Nam on the road to war or peace. If the U.S. does not agree with the RVN.

"Therefore, let us demand that the U.S. reconsider its attitude at the Paris peace negotiation and at other peace talks to come."

It strikes me as unfortunate that the Embassy and the State Department are unable to maintain an attitude toward Vietnamese internal affairs which will permit such nationalists as Tran Ngoc Chau to play an active and constructive role in the pursuit of peace and the building of a truly democratic society in Vietnam. Instead, we find our-selves, once again, the willing servitor and apologist of a regime which seems to exploit the American presence, in the cause of self-perpetuation and not, as our rhetoric would have us believe, for the sake of self-determination.